

09/857783

## IN THE UNITED STATES RECEIVING OFFICE

Applicant : Willner et al.  
Serial No. : 09/857,783  
Filed : June 6, 2001  
Title : METHOD AND SYSTEM FOR DETECTING OLIGONUCLEOTIDES IN A  
SAMPLE

**BOX PCT**

Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Responsive to the Notification of Missing Requirements under 35 U.S.C. 371 mailed July 23, 2001, Applicant as a small entity submits herewith the following:

- ☐ Payment of the basic filing fee of \$370;
- ☐ Payment of the additional/multiple dependent claims fees of \$0;
- ☒ Payment of the surcharge of \$65 for late filing of the basic filing fee and/or declaration;
- ☒ Petition for Two Month Extension of Time;
- ☒ A check in the total amount of \$265 (\$200 for two month extension of time; \$65.00 surcharge for late filing of declaration/oath) is attached;
- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63;
- ☐ A verified English translation of the application and payment of the \$0 fee required under 37 CFR §1.17(k); and

11/28/2001 UEDUVIJE 00000049 09857783

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65.00 OP

## CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL558602135US

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

November 13, 2001

Date of Deposit

Signature

Gabe Lewis

Typed or Printed Name of Person Signing Certificate

Applicant : Willner et al.  
Serial No. : 09/857,783  
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Page : 2

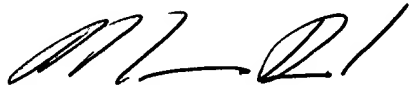
Attorney's Deposit No.: 10980-016001 / 132729.5  
JP/dab/dk

- ☒ Other: Notification to Comply with requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;  
Response to Notification to Comply with requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;  
Verified Statement under 37 CFR §1.812(f); Statement Under 37 CFR §§1.821(f)  
and (g); Sequence Listing; and computer-readable copy.

It is understood that this perfects the application and no additional papers or filing fees  
are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 11/13/01

  
\_\_\_\_\_  
Michael Reed, Ph.D.  
Reg. No. 45,647

Fish & Richardson P.C.  
4350 La Jolla Village Drive, Suite 500  
San Diego, California 92122  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09 357783	BAR DEA	A 109/80-016001

MICHEAL P. REED  
FISH & RICHARDSON  
4350 LA JOLLA VILLAGE DRIVE, SUITE 500  
SAN DIEGO, CA 92122

JUL 27 2001

PCT/IL99/00649

EXPIRATION DATE	PRIORITY DATE
01 DEC 99	01 DEC 98

FISH & RICHARDSON P.C.

DATE MAILED 23 JUL 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input checked="" type="checkbox"/> Indication of Small Entity Status.      |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input type="checkbox"/> Translation of the international application.      |
| <input type="checkbox"/> Oath or Declaration of Inventors.   | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input type="checkbox"/> Other:   |
| <input type="checkbox"/> Priority Document.  |   |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. |   |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.        |   |

English: 100 English: 100  
Base Date: 7/23/01  
Due Date: 9/23/01  
Deadline: 1/23/02  
Initials: *[Signature]*  
Record: 24449555

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

Submitted by Billing Secretary  
Date: 7-23-01  
Initials: 1-23-02  
*[Signature]*

4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

- Enclosed: ☐ PCT DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☒ PCT/DO/EO/920

Winston M Alvarado



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box P.C.T.  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/857783	BAR DEA	A 109180-016001
INTERNATIONAL APPLICATION NO.		
PCT/IL99/00649		
EXPIRATION DATE	PRIORITY DATE	
01 DEC 99	01 DEC 98	

MICHEAL P. REED  
FISH & RICHARDSON  
4350 LA JOLA VILLAGE DRIVE, SUITE 500  
SAN DIEGO, CA 92122

DATE MAILED: 23 JUL 2001

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☒ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☒ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☒ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE  
CALL:

(703) 308-4216, for Rules interpretation,  
(703) 308-4212, for CRF submission help,  
(703) 287-0200, for PatentIn software help.

Action	Office Systems
Base Date	5/23/01
Due Date	7/23/01
Deadline	9/23/01
Initials	1/23/02
Receipt	

For net-  
Due Date  
Deadline

Winston M Alvarado

Telephone: 703-305-6421

FORM PCT-DO/EO/920 (March 2001)